

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID SIMMONS,

Plaintiff,

Case No. 2:10-cv-11857

Honorable Bernard A. Friedman

vs.

STATE FARM INSURANCE COMPANY,

Defendant.

CARL COLLINS, III (P55982)
Attorney for Plaintiff
18100 Meyers
Suite 392
Detroit, MI 48235
(313) 341-4100

SECREST WARDLE
NATHAN J. EDMONDS (P51453)
Attorney for Defendant
94 Macomb Place
Mt. Clemens, MI 48043
(586) 465-7180
(586) 465-0673 (Fax)

DEFENDANT'S MOTION TO EXTEND DISCOVERY

NOW COMES Defendant, STATE FARM INSURANCE COMPANY, by and through its attorneys, *SECREST WARDLE*, and hereby moves this Honorable Court for an Order Extending Discovery, and states as follows:

1. This is a lawsuit alleging that Defendant has failed to pay personal injury protection benefits due and owing to Plaintiff.

2. The parties have been diligently pursuing discovery in this matter, however, it will not be completed by the established cut-off date in the Scheduling Order dated August 6, 2010.

(Exhibit A)

3. This Court issued a Status Conference Scheduling Order on August 6, 2010 in this case, setting dates for:

SECREST WARDLE

<i>Witness List Exchange:</i>	<i>October 2, 2010</i>
<i>Plaintiff's Expert Report Due:</i>	<i>December 3, 2010</i>
<i>Defendant's Expert Report Due:</i>	<i>December 10, 2011</i>
<i>Closing Date for Discovery:</i>	<i>January 10, 2011</i>
<i>Dispositive Motions Due:</i>	<i>February 11, 2011</i>
<i>Settlement Conference</i>	<i>March 11, 2011</i>

5. Numerous medical records still need to be obtained and reviewed.

6. The deposition of Plaintiff began on November 23, 2010, and needs to be continued at a future date. The earliest mutually convenient date to take Plaintiff's deposition is February 9, 2011.

7. The deposition of Arnold Collins, Plaintiff's Service Provider, needs to be rescheduled. The earliest mutually convenient date to take the deposition of Arnold Collins is February 18, 2011.

8. The adjournment of discovery will allow all parties to better determine the actual nature and extent of Plaintiff's damages involved in this matter.

9. Concurrence by Plaintiff's counsel was sought in this motion, but despite repeated phone calls to his office, no concurrence has been given.

WHEREFORE, STATE FARM INSURANCE COMPANY, for the reasons set forth above, requests that its motion be granted as follows:

<i>Closing Date for Discovery:</i>	<i>April 10, 2011</i>
<i>Dispositive Motions Due:</i>	<i>May 11, 2011</i>
<i>Settlement Conference</i>	<i>June, 2011</i>

Any other relief the Court finds appropriate.

SECRET WARDLE

BY: /s/ Nathan J. Edmonds
NATHAN J. EDMONDS (P51453)
Attorney for Defendant
nedmonds@secrestwardle.com

DATED: December 22, 2010

SECRET WARDLE

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BRIEF IN SUPPORT OF MOTION

All the facts stated in the attached Motion are adopted herein by reference. Defendant respectfully relies on the learned discretion of this Honorable Court, as well as FRCP 16(b), with regard to its Motion.

WHEREFORE, STATE FARM INSURANCE COMPANY, for the reasons set forth above, requests that its Motion be granted as follows:

<i>Closing Date for Discovery:</i>	<i>April 10, 2011</i>
<i>Dispositive Motions Due:</i>	<i>May 11, 2011</i>
<i>Settlement Conference</i>	<i>June, 2011</i>

Any other relief the Court finds appropriate.

SECRET WARDLE
BY: /s/ Nathan J. Edmonds
NATHAN J. EDMONDS (P51453)
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Dated: December 22, 2010

SECRET WARDLE

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